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SPEECH *Presented*
by Hon W

OF

HON. WILLIAM M. GWIN,
OF CALIFORNIA,

ON

THE PACIFIC RAILROAD BILL;

DELIVERED

IN THE SENATE OF THE UNITED STATES, APRIL 3, 1858.

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SPEECH.

The Senate having under consideration, as in Committee of the Whole, the bill to authorize the President of the United States to contract for the transportation of the mails, troops, seamen, munitions of war, Army and Navy supplies, and all other Government service, by railroad, from the Missouri river to San Francisco, in California—

Mr. GWIN said:

Mr. PRESIDENT: I shall not detain the Senate long while I explain the provisions of this bill. The first section confers no power upon the President but to make a contract. The committee were careful, in preparing this measure, to confer no doubtful powers upon the President or any one else. We wished to avoid constitutional objections from all quarters, and simply provide for exercising powers conceded to exist under the Constitution from the foundation of the Government.

The second section provides for fair competition of bidders for the contract, by public advertisement in two papers in each State and Territory and the District of Columbia. It details how the bids shall be prepared; none are to be received that does not obligate the bidder to complete the entire road within twelve years from the date of the contract; and also, what extent and portion of the road, beginning at the eastern and western termini and progressing continuously until finished, shall be completed and put in operation during each and every year; also, the time that the bidder proposes to surrender the road, with its rolling stock and all appurtenances, to the United States for the purpose of being transferred to the States now in existence, and States which may hereafter be framed out of the Territories through which it may pass: also, at what rate per mile per annum, not to exceed \$500 per mile, it is proposed to carry the United States mail daily both ways, under the direction of the Post Office Department, for the period of twenty years from the completion of the road; and also, at what rate per mile for a like period, under the direction of the proper departments, it is proposed to carry all military and naval supplies, troops, seamen, passengers, and freights of all kinds, for Government

purposes, with the limitation that the contract price shall not, in any event, either of peace or war, exceed the sum which in time of peace has been heretofore paid for similar services of equal amount upon any existing route. It also provides that, after the expiration of said contract, all Government transportation shall be performed on said road, for reasonable prices, not exceeding those paid on other first class railroads, to be ascertained by Congress in the event of a disagreement between the Government and owners of the road.

The third section provides that the proposals shall be opened by the President after due notice, in the presence of his Cabinet, and such other persons as may choose to attend; and he is authorized and directed to enter into a contract for the transportation provided for in this act, with the party whose proposal shall be by him deemed most advantageous to the United States.

To guaranty the execution of the contract, the party with whom it is made is required to deposit with the Secretary of the Treasury \$500,000, or the value thereof in bonds, or certificates of stock of the United States, which may be subsequently withdrawn in sums of ten thousand dollars, when the Secretary is satisfied that these sums have been faithfully applied towards the construction of the road. It also provides that all questions of damages and forfeitures by reason of any breach of said contract, shall be determined by the express terms and conditions of the same, and the act itself is to be taken and considered as part of the contract.

The fourth section grants twenty sections of the public land to the mile, to be located on each side of the road, excluding all mineral lands lying within the State of California, and giving in lieu thereof agricultural lands lying nearest to the road.

The fifth section requires the contracting party to proceed without delay to locate the general route of the road, and furnish the President with a map of the same, who shall cause the public lands for forty miles on each side of the road to be surveyed, and the Indian titles thereto, if any, extinguished. It also gives the right of preemp-

tion to the lands not granted to the contracting party, but withholds them from settlement until the lands granted are selected.

The sixth section provides for the transfer to the contracting party of three fourths of the lands granted for the first twenty-five miles of the road that may be completed, retaining the other one fourth as security for the completion of the next twenty-five miles, which, when completed, three fourths of the land pertaining to that section shall in like manner be conveyed to the contracting party, together with the remaining one fourth of the previous section, and so on with each succeeding section until the road is finished and put into operation.

The seventh section provides that so soon as one section of twenty-five miles of the road is completed, the President shall cause to be issued to the contracting party \$12,500 per mile of said section in United States bonds bearing five per cent. interest; payable nineteen years from date; and in like manner to cause the same amount of bonds per mile to be issued for each succeeding section of twenty-five miles, when completed, until the whole road is built; provided that the aggregate amount of bonds issued shall not exceed the sum of twenty-five million dollars. It also provides that the amount of bonds thus issued, with the interest on the same, shall be paid to the United States by the transportation and service provided for in this act. The committee were of the opinion that the amount due for such service within nineteen years would be fully adequate to pay the bonds, principal and interest, and hence they inserted that date for their payment; I may also be permitted to observe, that nineteen years being supposed to be the term of life of one generation it was not inappropriate to apply, in the building of this great work, the old Jeffersonian doctrine that each generation should provide for the payment of its own debts. This section also provides, that if the railroad iron used in the construction of the road shall be imported, the duties on the same will not be required to be paid in advance, but the amount shall be deducted from the first service performed for the Government under the act. It further requires that the contracting party shall use American railroad iron, if it can be obtained of equal quality and at a price not exceeding that imported from foreign countries.

The eighth section provides that, in the event of the contracting party failing to execute his contract, the same shall be forfeited, and the President shall proceed to relet that portion of the road uncompleted; provided he shall not stipulate for higher or other terms than those authorized by this act.

The ninth section provides that one half of the lands granted shall be unconditionally sold within five years, and the other half within ten years from the date of the issuance of the patents, under penalty of forfeiture to the United States of what remains unsold.

The tenth section sets apart two hundred feet in width of the public lands, on each side of the road, for railroad and telegraph purposes, and requires the contracting party to build the road in a workmanlike and substantial manner, and place upon it furniture and rolling-stock equal in all respects to railroads of the first class, when prepared for business; and that none other than rails of the first quality shall be used, and the gauge shall be

six feet throughout the entire length of the road. It also provides for the construction of a telegraph line, of the most substantial and approved description, to be operated along the entire line of said road.

The eleventh section gives authority to the contracting party to construct additional tracks within the two hundred feet set apart for railroad and telegraph purposes; and that other roads shall be permitted to connect with it, on fair and equal terms.

The twelfth section provides for the transfer of the road to States and Territories through which it may pass, when it shall have been surrendered to the United States under the provisions of this act.

The thirteenth and last section provides that the contracting party shall keep books open for inspection, shall make annual returns of the receipts and expenditures of the road to the Secretary of the Treasury, who shall lay the same before Congress at the commencement of each session.

With this synopsis of the bill, I shall now proceed briefly to state the advantages that will result from locating the eastern terminus, as provided for in the bill, on the Missouri, between the mouths of the Big Sioux and Kansas rivers. It is central, as regards the population of the Atlantic and western States.

Mr. POLK. I should like to ask the Senator from California, who, as he understands this bill, will select the route of the road between the two termini fixed by the bill—the President, or the contractors?

Mr. GWIN. The contractors, of course, will make the selection of their route. The President may have some power in the selection of the contractors and the bids that may be put in; but it is intended by the bill that the contractors shall have the selection of the route upon which they will build the road.

Mr. POLK. I will ask the Senator whether the language is more definite on that point than it was in the bill for the overland mail route?

Mr. GWIN. I do not recollect the provisions of that law. I think that was entirely left to the contractors.

Mr. POLK. I think it was, too; yet I believe certain routes were marked out in the bids, to which the contractors were confined.

Mr. GWIN. The intention was that the contractors should select the route. Having given a synopsis of the provisions of the bill, I shall proceed to show very briefly the advantages that will result from locating the eastern terminus in the manner proposed in the bill.

Whether the road should approach the Pacific on the forty-first, thirty-fifth, or thirty-second parallel of latitude, it can with great facility be connected by railroad with the principal commercial marts on the Atlantic, north and south, by roads built, building, and projected; as will appear from the following table, taken from Pacific railroad surveys, vol. 1, page 32:

Distances of the eastern termini of the several Pacific railroad routes to the Mississippi river, Boston, New York, Charleston, and New Orleans, by railroads built, building and projected, as measured on the "railroad maps."

	Miles
1. St. Paul to Boston.....	1,31
to New York.....	1,19
to Charleston.....	1,19
to New Orleans.....	1,19

Aggregate.....4,89

2. Council Bluffs to Rock Island, (Mississippi river)...	267
to Boston.....	1,374
to New York.....	1,252
to Charleston.....	1,195
to New Orleans.....	1,075
Aggregate.....	5,163
3. Westport, mouth of Kansas, (near Fort Leavenworth,) to St. Louis, (Mississippi river)....	245
to Boston.....	1,415
to New York.....	1,320
to Charleston.....	1,045
to New Orleans.....	875
Aggregate.....	4,800
4. Fort Smith, on the Arkansas, to Memphis, (Mississippi river).....	270
to Boston.....	1,540
to New York.....	1,345
to Charleston.....	960
to New Orleans.....	655
Aggregate.....	4,770
5. Fulton to Gaines, (Mississippi river).....	150
to Boston.....	1,530
to New York.....	1,335
to Charleston.....	950
to New Orleans.....	402
Aggregate.....	4,367

I will also give a brief synopsis, from official documents, of the routes terminating at San Francisco which have been surveyed by the United States engineers. The route on the forty-first parallel ascends the valley of the Platte river and its tributaries, rises to the great plateau upon which Fort Bridger is situated, more than seven thousand feet above the level of the sea, and, by the South Pass or by the Cheyenne Pass, crosses the great interior basin at its widest point. After passing the divide of the Sierra Nevada, by the Madelin or Noble's Pass, it descends to the Sacramento valley.

The most serious difficulty of construction on this route is along the Pitt and Sacramento rivers, where, for the distance of one hundred and twenty-five miles, they run through a mountainous region with precipitous banks, which would make the expense of constructing a railroad very great; but further explorations may discover a more practicable and economical entrance to the Sacramento valley. The length of this route, from the mouth of the Platte river to Benicia, in California, is two thousand and thirty-two miles; the estimated cost of construction is \$116,000,000. From the mouth of the Kansas to Benicia is two thousand one hundred and sixty miles, and the additional cost will be \$3,000,000. If it should pass by Oroville, Marysville, Sacramento, Stockton, and the southern extremity of the bay of San Francisco to the city of San Francisco, both the distance and the expense of construction would be greater. The route on the thirty-eighth parallel, by the Cochitopa Pass, may be considered impracticable, from the enormous cost of construction of the five hundred miles between the tributaries of the Rio Grande and the Great Basin.

The Cimarron route, leaving Westport, crosses the Arkansas river near Fort Atkinson, passes along the Cimarron river, and unites with the route of the thirty-fifth parallel, near the head waters of the Pecos river, or before descending to the Rio Grande. By this route, the distance from the mouth of the Kansas to San Francisco is two

thousand one hundred miles, and the estimated cost of construction \$106,000,000. The length may be reduced, as explained in the remarks on the route on the thirty-fifth parallel, ninety miles, and the cost of construction will be four or five million dollars less. The route on the thirty-fifth parallel follows, as near as practicable, the interlocking tributaries of the Mississippi, Rio Grande, and the Colorado of the West. The length of this route from the mouth of the Kansas river to San Francisco is two thousand one hundred and eighty miles, and the estimated cost of construction \$108,000,000. It can probably be shortened ninety miles by a route not yet surveyed by the United States engineers, but believed to be practicable by the exploring officer, and the cost of construction reduced four or five million dollars.

The characteristic features of the route on the thirty-second parallel are the low elevation of the mountains and their passes, and the great extent of the table lands it traverses. It enters the valley of the Rio Grande by El Paso, crosses to the Gila, descends that stream to the Colorado river, crosses the plain known as the great Colorado Basin, and reaches San Francisco by two very favorable routes—one near the coast, and the other by the Tulare valley. The length of this route from the mouth of Kansas river to San Francisco is two thousand two hundred and twenty miles, and its estimated cost \$95,000,000. The Pacific ocean may be reached at shorter distances by branches from this route to San Diego and San Pedro. The distance on this route being but little greater than that on the thirty-fifth parallel is thus explained. From the mouth of the Kansas it has a direction a little west of south, passing near Fort Arbuckle and the head waters of the Colorado of Texas. From the crossing of the Red river it is coincident with the line generally known as the El Paso route, nowhere following for any considerable distance the meandering course of rivers, but passing over, in direct and straight lines, the extensive plains that form its peculiarity. It is of but little greater length than the route north of it, which has the same termini. That route, (on the thirty-fifth parallel,) in a large part of its course, passes along the banks of rivers and through a mountain region more rugged and elevated than the district a few degrees further south.

The great difficulties to be encountered in the construction of a railroad to the Pacific will be met with between the ninety-ninth meridian—where, it is supposed, the so-called uncultivable region begins—and the Pacific slope of the Sierra Nevada and coast range of mountains. Throughout this great uninhabited district, the differences between the extent of arable land, quantity of water, fuel, and timber, found on the several routes, are not such as to form an important element in the consideration of the greater or less degree of practicability of constructing and working a railroad. The great differences between the practicability and economy of the routes are to be found in the character of the surface of the ground, in the length of the routes across this uninhabited belt which all must cross, and, lastly, of the difficulties of climate. In the following table, besides containing other and valuable information, the extent of this uninhabited district is stated on all the routes which I have presented to the Senate:

TABLE

Showing the lengths, sums of ascents and descents, equated lengths, cost, &c., of the several routes explored for a railroad from the Mississippi to the Pacific.

	Distance by air line.	Distance by proposed railroad.	Sums of ascents and descents.	Length of level route of equal working expense.	Comparative cost of different routes.	No. of miles of route through arable land.	No. of miles of route through land generally uncultivable, arable soil being found in small areas.	Number of miles at an elevation above the sea between—									Altitude above the sea of the highest point on the route.	Feet.		
	Miles.	Miles.	Feet.	Miles.				0 and 1,000 feet.	1,000 and 2,000 feet.	2,000 and 3,000 feet.	3,000 and 4,000 feet.	4,000 and 5,000 feet.	5,000 and 6,000 feet.	6,000 and 7,000 feet.	7,000 and 8,000 feet.	8,000 and 9,000 feet.	9,000 and 10,000 feet.			
Route near forty-first and forty-second parallels, from Council Bluffs, via South Pass, to Benicia.....	1,410	2,032	29,120	2,583	\$116,095,000	632	1,400	220	170	210	160	590	285	270	107	20	-	8,373		Tunnel at elevation of 9,540 feet.
Route near thirty-eighth and thirty-ninth parallels, from Westport, via Coche-to-pa and Tah-ee-clay-pah Passes, to San Francisco.....	1,740	2,080	49,985	3,026	Impracticable	620	1,460	310	276	165	348	466	170	60	155	80	20	10,032		Tunnel at elevation of 9,540 feet.
Route near thirty-eighth and thirty-ninth parallels, from Westport, via Coche-to-pa and Madelin Passes, to Benicia..	1,740	2,290	56,514	3,350	Impracticable	670	1,620	275	306	190	143	725	284	110	155	80	20	10,032		Tunnel at elevation of 9,540 feet.
Route near thirty-fifth parallel, from Fort Smith to San Francisco.....	1,550	2,096	48,521	3,015	106,000,000	646	1,450	585	250	261	236	181	295	222	26	-	-	7,550		Tunnel at elevation of 9,540 feet.
Route near thirty-fifth parallel, from Fort Smith to San Pedro.....	1,360	1,820	48,862	2,745	92,000,000	420	1,400	354	292	236	210	185	295	222	26	-	-	7,550		Tunnel at elevation of 4,179 feet.
Route near thirty-second parallel, from Fulton to San Francisco, by coast route.....	1,630	2,024	38,200	2,747	190,000,000	834	1,190	893	347	120	342	271	50	-	-	-	-	5,717		
Route near thirty-second parallel, from Fulton to San Pedro.....	1,400	1,598	30,181	2,169	68,000,000	408	1,190	478	337	120	342	271	50	-	-	-	-	5,717		
Route near thirty-second parallel, from Fulton to San Diego.....	1,360	1,533	33,454	2,167	168,000,000	374	1,159	420	305	125	362	271	50	-	-	-	-	5,717		

* Supposing the route to be a straight line, with uniform descent, from the Un-kuk oo-ap mountains (near Sevier river) to the entrance of the Tah-ee-clay-pah Pass—the most favorable supposition possible.

† The estimate of Lieutenant Parke for the construction of a railroad by this route, from Fulton to San José, is \$82,812,750. Adding \$25,025,000, the office estimate for the route from San José to San Francisco, Lieutenant Parke's total estimate from Fulton to San Francisco would be \$84,837,750.

‡ The estimate of Lieutenant Parke for this route is \$59,005,500.

The sum of the minor undulations (not included in the sum of ascents and descents here given) will probably be greater for the routes near the forty-seventh and forty-ninth parallels than for the other routes.

With the amount of work estimated for the roads in this report, the equated lengths, corresponding to the sums of ascents and descents, have but little practical value. With a full equipment and heavy freight business, the sum of ascents and descents becomes important.

In the preparation of this table one important fact must have escaped the scrutiny of the scientific gentlemen who prepared it. It is this: that the great Colorado basin, included in this so-called uncultivable region, has been proved by those very surveys, and others made under the direction of the surveyor general of California, to be one of the richest in soil on the continent. It is mainly below the level of the Colorado river, which renders its irrigation easy and practicable; and when thus reduced to cultivation its fertility will not be surpassed by the celebrated valley of the Nile. In support of this fact, I will quote further from the Pacific railroad surveys:

"An analysis of the soil of the alluvial portion of the Colorado desert, which covers an area of four thousand five hundred square miles, and is four times greater in extent than the land under cultivation on the Mississippi river, between the mouth of Red river and the Balize, shows that it has all the elements of great fertility, and, but for the adverse climatic conditions, would rival in its productions the best lands of the delta of the Mississippi. According to the barometrical levelings of Lieutenant Williamson, the alluvial portion of this plain is lower than the surface of the Colorado river; and should this be confirmed by more accurate modes of leveling, as there is every reason to believe it would be, an extensive system of irrigation would entirely change the character of its surface by the introduction of water, the only element required for great productiveness. About one half of the Colorado desert is within our territory."

This will reduce the extent of this so-called uncultivable region from one to two hundred miles on the route on the thirty-fifth and thirty-second parallel, and to this extent tend to remove the impression on the minds of many friends of this great measure, that it will be impossible to build a road over this great uninhabited country, and that it could not sustain sufficient population to keep up the road after it was constructed. It should also be borne in mind, that these estimates in the report of this sterile region extend to the Pacific coast, when it is known that there is no more productive country in the world than the region between the Sierra Nevada and coast range of mountains and the Pacific ocean. In bringing the reports of the engineers to the notice of the Senate, I do not wish to be understood as acquiescing in their views as to this uncultivated region. Their theory, I believe, practice will demonstrate to be delusive. I well remember when some of the richest lands in the world, and proved to be such by being the most productive, were, but a few years ago, by everybody in California, called poor and worthless. I believe that the greater portion of this so-called uncultivable country has fine agricultural capacity, capable of sustaining a dense

population, and is not surpassed in mineral wealth by any portion of the continent.

Mr. President, I have refrained from touching upon the vital interests of the country involved in the passage of this bill. I leave that task to other Senators more able to do justice to the subject, and whose duty it may be to give their views at large so as to be placed right before their constituents. I have no speech to make for home consumption. My constituents are awaiting our prompt action upon this bill with an earnestness and intense anxiety that I shall not attempt to describe. Upon its passage depend our happiness, prosperity, and greatness as a people. Without it our future is dark and gloomy. Having on many former occasions given my views at large on the merits of this great question, I have confined myself on this occasion to a statement of the contents of the bill, and a reference to the sources of information upon which the committee based their action in reporting it to the Senate, which leave no doubts on my mind, that if it becomes a law it will insure the building of the road on one of the three routes indicated, the construction of a railroad on either being in my opinion entirely practicable.

Mr. BRODERICK. I desire to inquire of my colleague if he has provided in his bill for making it obligatory on the contractors to provide a substantial system of telegraphs?

Mr. GWIN. Yes, sir.

Mr. BRODERICK. I am glad of it; and there is another point to which I desire to direct attention. I am satisfied that the emigrant route from Independence to Carson valley, which strikes the border of California, will be selected by the contractors if it is left to them to decide, and I desire the Senate to put this bill in such a shape that the selection of the route shall be left entirely to the contractors.

Mr. GWIN. The bill so provides. The first section will enact that

"The President be, and he is hereby, authorized and directed"—

—leaving him no discretion—

—"to enter into a contract for the transportation of the mails, troops, seamen, munitions of war, Army and Navy supplies, and all other Government service, by railroad, from a point on the Missouri river, between the mouths of the Big Sioux and Kansas rivers, to San Francisco, in the State of California, on the most eligible route, reference being had to feasibility, shortness, and economy."

And another section provides that the contractors shall "locate the general route of said road."

